

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHERYL LEIGH VARGAS,
Plaintiff

v.

CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL
SECURITY,
Defendant

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No. 14-cv-02407

(Judge Kane)

(Magistrate Judge Cohn)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On January 14, 2016, Magistrate Judge Cohn issued a Report and Recommendation, in which he recommends that the Court deny Plaintiff's appeal from the final determination of the Social Security Administration (SSA) because the SSA Administrative Law Judge's (ALJ) findings were supported by substantial evidence. (See Doc. No. 17.) In particular Magistrate Judge Cohn found that: (1) the ALJ did not commit reversible error in crediting the medical opinions of certain physicians over others (Doc. No. 17 at 24-28); that (2) the ALJ did not err by failing to properly consider Plaintiff's substance use (id. at 28-33); and that (3) the ALJ did not err in finding Plaintiff's subjective testimony to be not entirely credible (id. at 33-39).

Plaintiff has objected to the Report and Recommendation, arguing that (1) the ALJ improperly ignored certain medical testimony and evidence (Doc. No. 18 at 2-7); that (2) the ALJ was required to determine whether or not Plaintiff's addiction disorders were material to her alleged disability¹ (id. at 7-13); and that (3) the ALJ's credibility determination was not supported by substantial evidence (id. at 13-16).

¹ The administrative record reveals that ALJ Frederick Timm considered Plaintiff's alcohol and substance use extensively and concluded that when sober, Plaintiff may perform sedentary work.

The Court finds that Magistrate Judge Cohn correctly and comprehensively addressed the substance of Plaintiff's objections in the Report and Recommendation itself. Accordingly, the Court will not write separately to address Plaintiff's objections, except as noted in the margin.

AND SO, on this 17th day of March 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Cohn's Report and Recommendation (Doc. No. 17), is **ADOPTED**;
2. Plaintiff's appeal (Doc. No. 1), is **DENIED**; and
3. The Clerk of Court is directed to close this case.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

(Doc. No.10-2 at 22-25.) Plaintiff argues that, "[t]he key factor to be examined in determining whether drug addiction or alcoholism is a contributing factor material to the determination of disability is whether the SSA would still find a claimant disabled if the claimant stopped using drugs or alcohol." (Doc. No. 18 at 7-8.) The ALJ appears to have done precisely that. (See Doc. No. 10-2 at 22-25) ("If the claimant stopped the substance use, the claimant would have the residual functional capacity to perform sedentary work[.]"). Magistrate Judge Cohn found that "[t]he medical evidence supports the ALJ's conclusion that Plaintiff did not suffer disabling limitations while she was suffering only from mental illness, not substance abuse, after October of 2009." (Doc. No. 17 at 33.) The Court agrees with Magistrate Judge Cohn's findings.